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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,977	12/30/2003	Angel Stoyanov	25339	8820

28624 7590 02/23/2006

WEYERHAEUSER COMPANY
INTELLECTUAL PROPERTY DEPT., CH 1J27
P.O. BOX 9777
FEDERAL WAY, WA 98063

EXAMINER

WHITE, EVERETT NMN

ART UNIT PAPER NUMBER

1623

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,977

Applicant(s)

STOYANOV ET AL.

Examiner

Everett White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed November 28, 2005 has been received, entered and carefully considered. The amendment affects the instant application accordingly:
 - (A) Claims 4-13 have been amended;
 - (B) Comments regarding Office Action have been provided drawn to:
 - (I) Claim objection, which has been withdrawn;
 - (II) 112, 2nd paragraph rejection, which has been withdrawn;
 - (III) 103(a) rejection, which has been maintained for the reasons of record.
2. Claims 1-13 are pending in the case.
3. The text of those sections of Title 35, U. S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-4, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US Patent No. 5,589,256) for the reasons disclosed on pages 3-5 of the Office Action mailed July 28, 2005.
5. Claims 1, 5-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US Patent No. 5,589,256) as applied to Claims 1-4, 12 and 13 above, and further in view of Hansen et al (US Patent No. 5,789,326) for the reasons disclosed on pages 5 and 6 of the Office Action mailed July 28, 2005.

Response to Arguments

6. Applicant's arguments filed November 28, 2005 have been fully considered but they are not persuasive. Applicants argue that the Hansen et al patents state that if the binder thereof such as the polyols, polycarboxylic acids, and polyamines of the 256' patent and dipropylene glycol of the 326' patent are present during curing, the binder will be consumed during the curing step to form covalently crosslinked bonds. Applicants disclose that the Hansen et al patents state that when this occurs, the binder is no longer available for hydrogen bonding or coordinate covalent bonding and the particle binding to particles is ineffective. Applicants disclose that this activity of the

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Hansen et al patents teaches away from using a polyol during the curing step since it would result in loss of effectiveness of the binder, that is, it destroys the effectiveness of the binder. However, this argument against the Hansen et al patents is not persuasive since the Hansen et al patents teach that this adverse activity can be over come by stating in column 23, lines 21-29 of the 256' patent and column 29, lines 55-61 of the 326' patent, that in processes that use polycarboxylic acid, polyols and polyamines as binders, the fibers should contain at least 20% water (or 20-50% water) by weight if the particles and binders are present in the fibers when curing occurs. The Hansen et al patents state that the water inhibits covalent bond formation, and prevents all of the binder from being used to form covalent intrafiber crosslinks. Accordingly, the rejections of Claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Hansen et al (US Patent No. 5,589,256) in view of Hansen et al (US Patent No. 5,789,326) are maintained for the reasons of record.

Summary

7. All the claims are rejected.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Examiner's Telephone Number, Fax Number, and Other Information

9. For 24 hour access to patent application information 7 days per week, or for filing applications, please visit our website at www.uspto.gov and click on the button "Patent Electronic Business Center" for more information.

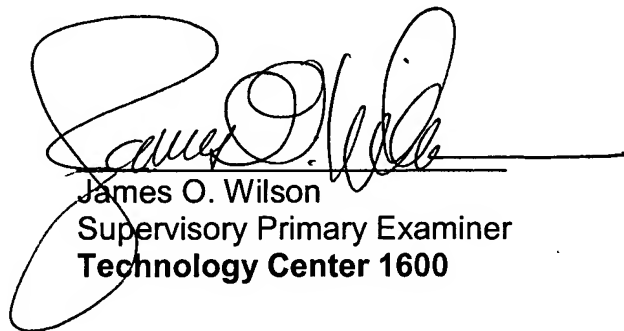
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett White whose telephone number is (571) 272-0660. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached on (571) 272-0661. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.



E. White



James O. Wilson
Supervisory Primary Examiner
Technology Center 1600